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## LEGISLATIVE HISTORY

Public Law 555--79 th Congress

Chapter 682--2d Session

H. R. 3492

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DIGEST OF PUBLIC LAW 555

CIVIL-SERVICE RETIREMENT. Amends the Civil Service Retirement Act to prohibit withholding or recovery of moneys on account of certification or payment by a former Federal employee unless there is shown to have been fraud on the part of the employee.

INDEX AND SUMMARY OF HISTORY ON H. R. 3492.

June 18, 1945	H. R. 3492 introduced by Rep. Parnspeck and was referred to the House Civil Service Committee. Print of the bill as introduced.
May 27, 1946	House Civil Service Committee reported H. R. 3492 without amendment. House Report 2147. Print of the bill as reported.
June 17, 1946	H. R. 3492 passed House without amendment.
June 18, 1946	Referred to the Senate Committee on Civil Service. Print of the bill as referred.
June 21, 1946	Senate Committee on Civil Service reported H. R. 3492 without amendment. Senate Report 1567. Print of the bill as reported.
July 17, 1946	H. R. 3492 passed the Senate without amendment.
July 27, 1946	Approved. Public Law 555.









# H. R. 3492

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1945

Mr. RAMSPECK (by request) introduced the following bill; which was referred to the Committee on the Civil Service

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## A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 17 of the Civil Service Retirement Act, ap-  
4       proved May 29, 1930, as amended, is further amended by  
5       changing the final period to a semicolon and adding thereto  
6       the following: "nor shall there be any withholding or re-  
7       covery of any moneys mentioned in this Act on account of  
8       any certification or payment made by any former officer  
9       or employee of the United States in the discharge of his  
10      official duties unless the head of the department or agency  
11      on behalf of which the certification or payment was made  
12      certifies to the Civil Service Commission that such cer-  
13      tification or payment involved fraud on the part of such  
14      officer or employee".

79th CONGRESS  
1st Session

H. R. 3492

## A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

By Mr. RAMSPECK

JUNE 18, 1945

Referred to the Committee on the Civil Service





DOCUMENT OF  
**CONGRESSIONAL PROCEEDINGS**  
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
Legislative Reports and Service Section  
(For Department staff only)

Issued May 28, 1946  
For actions of May 27, 1946  
79th-2nd, No. 100

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HIGHLIGHTS: Senate agreed to House amendments to administrative-law bill; ready for President. Sen. Hart inserted Conn. Food Administrator's letter to Grain Branch discussing grain shortage as it affects dairy herds and poultry. Sen. Wiley inserted letter from Grain Branch answering questions on wheat supplies and flour production. Sen. Overton announced that hearings on Columbia Valley Authority bill have been indefinitely postponed. Sen. Downey introduced measure to provide for study of Federal pay schedules. Rep. Holifield urged elimination of meat subsidies and controls. Rep. Ellsworth criticized Secretary Anderson's "lack of...initiative" in remedying Pacific Northwest feed shortage.

SENATE

1. ADMINISTRATIVE LAW. Concurred in the House amendments to S. 7, to improve the administration of justice by prescribing fair administrative procedure (pp. 5921-4). This bill will now be sent to the President.
2. STOCKPILING. Sens. Thomas of Utah, Johnson of Colo., Hill, O'Mahoney, Austin, Bridges, and Gurney were appointed conferees on S. 752, to authorize acquisition of stocks of strategic and critical materials for national defense (pp. 5938-9). House conferees have not yet been appointed.
3. PERSONNEL CEILING. Sen. Byrd, Va., inserted "an explanation of the personnel ceiling which was adopted by the conferees" on S. 1415, the Federal pay bill (p. 5932).
4. SURPLUS PROPERTY. Sen. Wiley, Wis., criticized War Assets Administration's handling of surplus property (pp. 5932-3).
5. EMERGENCY LABOR BILL. Debated H. R. 6578, the President's labor bill (pp. 5908-21, 5933-82).
6. GRAIN SHORTAGE. Sen. Hart, Conn., inserted a letter from the Conn. Food Administrator to Director Smith of the Grain Branch discussing the feed shortage as it affects dairy herds and poultry (pp. 5904-5).  
Sen. Wiley, Wis., inserted a letter from Director Smith answering various questions regarding wheat supplies and flour production (pp. 5905-6).
7. PRICE CONTROL. Sen. Wiley inserted a statement from the Wis. Implement Dealers' Association criticizing price ceilings on farm machinery (p. 5905).



8. COLUMBIA VALLEY AUTHORITY. Sen. Overton, La., inserted correspondence between himself and Sen. Mitchell, Wash., regarding the holding of hearings on S. 1716, the Columbia Valley Authority bill, and announced that hearings on this bill have been indefinitely postponed (p. 5903).

9. FLOOD CONTROL. Received from the War Department a report on examination of Ouachita River, La., for flood control (S. Doc. 191)(p. 5902).

#### HOUSE

10. LIVESTOCK AND MEAT. Rep. Holifield, Calif., criticized OPA slaughtering regulations and urged the suspension of meat controls for a period of 4 to 6 months beginning July 1, and the elimination of subsidies on meat if production is not increased (pp. 5881-4).

11. FEED SHORTAGE. Rep. Ellsworth, Oreg., criticized the Secretary and other Government officials for "lack of judgment and lack of initiative to act" in remedying the Pacific Northwest feed shortage (pp. 5892-5).

12. PERSONNEL; RETIREMENT. The Civil Service Committee reported without amendment S. 896, to extend to certain annuitants retired under the Civil Service Retirement Act prior to Jan. 24, 1942, the privilege of having their annuities recomputed under the method contained in the act of Jan. 24, 1942 (H.Rept. 2146) and H.R. 3492, to prohibit withholding or recovery of moneys on account of certification or payment by a former Federal employee unless there is shown to have been fraud on the part of the employee (H.Rept. 2147); and reported with amendment H.R. 4651, to provide annuities for a recovered disability annuitant who through no fault of his own fails to obtain reemployment (H.Rept. 2148)(p. 5899).

13. ST. LAWRENCE WATERWAY. Rep. Pittenger, Minn., urged Congressional action on legislation to authorize this project (pp. 5897-8).

14. PRICE CONTROL. Received New Haven (Conn.) Board of Aldermen and Council of Social Agencies resolutions urging the continuation of price control without crippling amendments (p. 5899).

15. SURPLUS PROPERTY. The Accounts Committee reported without amendment H.Res. 641, providing an additional \$45,000 for the Select Committee to study and investigate the operation of the program for the disposition of surplus property (H. Rept. 2145) (pp. 5875, 5899).

#### BILLS INTRODUCED

16. PERSONNEL; HOLIDAYS; SALARIES. H.R. 5584, by Rep. Green, Pa., to provide that every Saturday shall be a holiday in D.C. To District of Columbia Committee. (p. 5899)

S. J. Res. 164, by Sen. Downey, Calif., creating a joint congressional committee to conduct a study of Federal salary and wage schedules. To Civil Service Committee. (p. 5902.)

#### ITEMS IN APPENDIX

17. WHEAT; FOREIGN RELIEF. Extension of remarks of Rep. Pittenger, Minn., criticizing the shipping of wheat to Europe instead of flour as the cause of unemployment in the flour mills (p. A3188).

18. GRAIN EXPORTS. Rep. Fuller, N.Y., inserted a Syracuse (N.Y.) Herald-Journal ar-



mental estimate of appropriation for the fiscal year 1946 in the amount of \$24,000,000 for the Veterans' Administration (H. Doc. No. 614); to the Committee on Appropriations and ordered to be printed.

1339. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal years 1946 and 1947 in the amount of \$15,125 for the Treasury Department (H. Doc. No. 615); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. O'TOOLE: Committee on Accounts. House Resolution 641. Resolution providing funds for the study and investigation regarding the disposal of surplus property authorized by House Resolution 385 of the Seventy-ninth Congress; without amendment (Rept. No. 2145). Referred to the House Calendar.

Mr. RANDOLPH: Committee on the Civil Service. S. 896. An act to amend the act entitled "An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended," approved January 24, 1942, and for other purposes; without amendment (Rept. No. 2146). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the Civil Service. H. R. 3492. A bill to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended; without amendment (Rept. No. 2147). Referred to the Committee of the Whole House on the State of the Union.

Mr. RANDOLPH: Committee on the Civil Service. H. R. 4651. A bill to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended; with amendment (Rept. No. 2148). Referred to the Committee of the Whole House on the State of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGEHEE: Committee on Claims. H. R. 3359. A bill for the relief of Mrs. Mary Belk; with amendment (Rept. No. 2149). Referred to the Committee of the Whole House.

Mr. SCRIVNER: Committee on Claims. H. R. 3623. A bill for the relief of William A. Pixley; with amendment (Rept. No. 2150). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4479. A bill for the relief of William E. Robertson and Estelle Robertson; with amendments (Rept. No. 2151). Referred to the Committee of the Whole House.

Mrs. MANKIN: Committee on Claims. H. R. 4834. A bill for the relief of the estate of

Katherine Delores Booth; with amendments (Rept. No. 2152). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 4862. A bill for the relief of Walter R. Newcomb, Sr.; with amendments (Rept. No. 2153). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 4888. A bill for the relief of Gustav F. Doscher; with amendments (Rept. No. 2154). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 4919. A bill for the relief of Archibald J. Alcorn; without amendment (Rept. No. 2155). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5026. A bill for the relief of the estate of Drury Lee Jordan; with amendment (Rept. No. 2156). Referred to the Committee of the Whole House.

Mr. CHENOWETH: Committee on Claims. H. R. 5243. A bill for the relief of Stone & Cooper Coal Co., Inc.; without amendment (Rept. No. 2157). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 5284. A bill for the relief of Mrs. Lucy T. Harris; with amendment (Rept. No. 2158). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SPRINGER:

H. R. 6583. A bill to further amend section 239 of the Judicial Code, and to provide for certificates of questions by the United States Court of Customs and Patent Appeals in customs cases, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN:

H. R. 6584. A bill to provide that every Saturday shall be a holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BIEMILLER:

H. R. 6585. A bill to provide for the establishment of civilian government and local home rule in certain island possessions and trust areas under the jurisdiction of the United States; to the Committee on Insular Affairs.

By Mr. BOREN:

H. R. 6586. A bill to outlaw the closed shop; to the Committee on Labor.

By Mrs. ROGERS of Massachusetts:

H. R. 6587. A bill to authorize the erection in the United States Capitol of a monument in memory of Brig. Gen. William Mitchell; to the Committee on the Library.

By Mr. FORAND:

H. J. Res. 361. Joint resolution directing the Secretary of the Navy to make the naval training station at Newport, R. I., the home port of the U. S. S. *Constellation* and to maintain it as a national museum; to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY:

H. R. 6588. A bill for the relief of Paul and Lurline Thomas of Duck Hill, Miss.; to the Committee on Claims.

By Mr. ANDERSON of California:

H. R. 6589. A bill for the relief of Hyakujiro Watanabe; to the Committee on Immigration and Naturalization.

H. R. 6590. A bill for the relief of Mrs. Mie Sagara; to the Committee on Immigration and Naturalization.

By Mr. BLOOM:

H. R. 6591. A bill for the relief of Anastasio A. Ylagan; to the Committee on Claims.

By Mrs. LUCE:

H. R. 6592. A bill to permit the naturalization of Sang Hun Shim; to the Committee on Immigration and Naturalization.

By Mr. McGEHEE:

H. R. 6593. A bill for the relief of Milton A. Johnson, and for other purposes; to the Committee on Claims.

By Mr. McKENZIE:

H. R. 6594. A bill for the relief of the estate of Mrs. B. F. Goodson; to the Committee on Claims.

By Mr. RIZLEY:

H. R. 6595. A bill conferring jurisdiction upon the United States District Court for the Western District of Oklahoma to hear, determine, and render judgment upon the claim for refund of income tax erroneously paid by A. L. Bogan; to the Committee on Claims.

By Mr. ROE of New York:

H. R. 6596. A bill for relief of Jose Cabral Lorenzo; to the Committee on Immigration and Naturalization.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1914. By Mr. GEELAN: Resolution adopted by the labor participation committee of the New Haven Council of Social Agencies, urging the passage of the Price Control Act without crippling amendments; to the Committee on Banking and Currency.

1915. Also, resolution adopted by the board of aldermen of the city of New Haven, urging the passage of the Price Control Act without crippling amendments; to the Committee on Banking and Currency.

1916. Also, resolution adopted by Local 142, Yale University employees, concerning an amendment to the Murray-Wagner-Dingell bill asking that coverage under the act be extended to include workers of nonprofit institutions; to the Committee on Ways and Means.

1917. By Mr. REES of Kansas: Petition of Mrs. Idonia Daniels and 85 other residents of Wichita, Kans., in support of House bill 4747; to the Committee on Ways and Means.



# Senate

MONDAY, MAY 27, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God who turnest not Thy face away from those who work Thy will, as in the morning we take anew the cup of our freedom crimsoned with great cost, may we be mindful of its sacred meaning and reverent in its use. Make more worthy in faith and uprightness the hands of those who hold it high in trust for all, that its healing balm may be denied to none beneath the spangled flag of this favored land. Grant that even when the rights of all are mocked and betrayed for power or gain we may still labor on with valor for the enthronement on earth of Thy reign of law and love, of equity and righteousness, nor ever doubt the final triumph of Thy great purposes for all men. Through Jesus Christ our Lord. Amen.

## THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, May 25, 1946, was dispensed with, and the Journal was approved.

## TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

## EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication and letter, which were referred as indicated:

SUPPLEMENTAL ESTIMATE, COAST GUARD, TREASURY DEPARTMENT (S. Doc. No. 188)

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Coast Guard, Treasury Department, amounting to \$1,020,000, fiscal year 1947, in the form of an amendment to the Budget for that fiscal year and a draft of a proposed provision pertaining to an appropriation for the fiscal years 1946 and 1947 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

## RELIEF OF CERTAIN POSTMASTERS

A letter from the Acting Postmaster General, transmitting a draft of proposed legislation for the relief of certain postmasters (with an accompanying paper); to the Committee on Post Offices and Post Roads.

## PETITION AND MEMORIAL

Petitions, etc., were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A telegram in the nature of a petition from F. E. Ulrich, of Valley Stream, N. Y., praying for the prompt enactment of legislation to curb strikes; ordered to lie on the table.

A letter from J. R. FARRINGTON, Delegate from Hawaii, transmitting telegrams in the nature of memorials from Carpenters' Union Local No. 745, Boilermakers' Union No. 204, Central Labor Council, American Federation of Labor, and International Association of Machinists, all of Honolulu, P. I., remonstrating against the enactment of antilabor legislation (with accompanying telegrams); ordered to lie on the table.

## ANTISTRIKE LEGISLATION—PETITIONS

Mr. CAPPER. Mr. President, I have received telegrams from chambers of commerce in cities of Eureka, Liberal, Great Bend, Manhattan, Beloit, and Abilene, all in the State of Kansas, appealing to the Congress to enact legislation that will stop strikes. I ask unanimous consent to present these telegrams for appropriate reference and that they be printed in the RECORD.

There being no objection, the telegrams were received, ordered to lie on the table, and to be printed in the RECORD, as follows:

EUREKA, KANS., May 27, 1946.

Senator ARTHUR CAPPER,  
Washington, D. C.:

We believe in the principles of collective bargaining and in union responsibility for its acts. We believe that individuals should be free to join or not join labor organizations. That organized labor should be protected in its rights by laws which equally protect other citizens, organized or unorganized. That the best interests of all citizens are best served by a minimum of regulative legislation. We are opposed to violence, intimidation and coercive methods on part of labor or management. Interests, rights of public in continuity of production goods and services must not be subordinated in disputes of labor and management or in disputes between or within labor unions. To achieve these ends, to effectuate prompt settlement of current strikes, to establish effective precedent for future disputes we urge your prompt and united action.

Board of Directors, Eureka Chamber of Commerce: F. A. Smethers, J. W. Bayless, W. E. Marshall, H. F. Brenton, George S. Stright, H. M. Marriott, P. L. Braden, L. C. Baird.

GREAT BEND, KANS., May 25, 1946.

Hon. ARTHUR CAPPER,  
United States Senator,  
Senate Office Building,  
Washington, D. C.:

Lack of adequate national labor policy has resulted in widespread suffering and stifling of Kansas industries despite meritorious conduct of labor in Kansas. We believe in principles of collective bargaining and in union responsibility for its actions. Laws which protect labor ought to equally protect other citizens organized or unorganized. Interests and right of public must not be subordinated in disputes of labor and management or in disputes between or within labor unions. Temporary settlement of current railroad and coal strikes will not protect country against future serious paralyzing effects of strikes. We urge enactment of proper legislation to establish effective precedent for future dis-

putes. Country expects prompt and united action.

GREAT BEND CHAMBER OF COMMERCE,  
DON C. McILRATH, President.

MANHATTAN, KANS., May 24, 1946.

Hon. SENATOR ARTHUR CAPPER,  
Senate Office Building,  
Washington, D. C.:

Realizing the desperate situation which has been facing this country because of labor troubles—intensified now by the paralysis caused by the railroad strike—we strongly urge you to exert every effort to secure action and legislation which will stop strikes against the welfare of the general public, and make the parties to such strikes—industry and labor—equally responsible for violation of their contracts and for actions deleterious to the public good. The essentials of this statement were unanimously approved today by the board of directors of the Manhattan, Kans., Chamber of Commerce and the members of the governmental affairs committee.

MANHATTAN CHAMBER OF COMMERCE,  
E. L. WILSON, President.

BELOIT, KANS., May 25, 1946.

Senator ARTHUR CAPPER,  
United States Senate,  
Washington, D. C.:

We believe in the principles of collective bargaining and in union responsibility for its acts. We believe that individuals should be free to join or not join labor organizations; that organized labor should be protected in its rights by laws which equally protect other citizens organized or unorganized; that the best interests of all citizens are best served by a minimum of regulative legislation. We are opposed to violent intimidation and coercive methods on part of labor or management. Interests and rights of public in continuity of production of goods and services must not be subordinated in disputes of labor and management or in disputes between or within labor unions. To achieve these established effective precedents for future disputes we urge your prompt and united action.

BOARD OF DIRECTORS OF BELOIT  
CHAMBER OF COMMERCE,  
W. J. CONSIDINE, Secretary.

LIBERAL, KANS., May 25, 1946.

Senator ARTHUR CAPPER,  
Washington, D. C.:

We believe in the principles of collective bargaining and in union responsibility for its acts. We believe that individuals should be free to join or not join labor organizations; that organized labor should be protected in its rights by laws which equally protect other citizens organized or unorganized. That the best interests of all citizens are best served by a minimum of regulative legislation. We are opposed to violence, intimidation, and coercive methods on part of labor or management. Interests and rights of public in continuity of production of goods and services must not be subordinated in disputes of labor and management or in disputes between or within labor unions. To achieve these ends, to effectuate prompt settlement of current strikes, to establish effective precedent for future disputes, we urge your prompt and united action.

LIBERAL CHAMBER OF COMMERCE,  
N. S. LEPLEY.



## AMENDING FURTHER THE CIVIL SERVICE RETIREMENT ACT

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MAY 27, 1946.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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MR. RANDOLPH, from the Committee on the Civil Service, submitted  
the following

### R E P O R T

[To accompany H. R. 3492]

The Committee on the Civil Service, to whom was referred the bill (H. R. 3492) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this legislation is to prevent withholding or set-off of amounts in the civil-service-retirement fund to the credit of fiscal officers of the United States on account of suspensions or disallowances raised by the General Accounting Office when such officers have acted in good faith in the discharge of their official duties.

This bill is recommended by the Treasury Department and approved by the Civil Service Commission. Copies of the transmitting letter and report are included herein.

TREASURY DEPARTMENT,  
Washington 25, May 15, 1945.

HON. SAM RAYBURN,  
*Speaker of the House of Representatives,*  
Washington, D. C.

MY DEAR MR. SPEAKER: There is transmitted herewith a proposed bill (H. R. 3492) to amend the Civil Service Retirement Act, approved May 29, 1930, as amended. The purpose of the bill is to prevent withholding or set-off of amounts in the civil-service retirement fund to the credit of fiscal officers of the United States on account of suspensions or disallowances raised by the General Accounting Office, when such officers have acted in good faith in the discharge of their official duties.

Such credits in the civil-service-retirement fund are the accumulation of compulsory deductions from the compensation of Federal employees, which are held in trust by the United States in order that the principal and interest thereon may purchase financial support for those employees who have reached the retirement age, after what, in most instances, involves many years of faithful public service. The fact that many Government employees during the tenure of their

employment handle public funds for which they are required to be bonded should not, except in cases involving fraud, serve to jeopardize the financial protection Congress has provided for them and their families by establishing the contributory retirement system.

While usually suspensions and disallowances in the accounts of fiscal officers are eventually removed, either by subsequent administrative action or by private relief legislation, the fiscal officers and employees involved, or the beneficiaries of such officers and employees who may have died, are deprived of moneys to which they are entitled, for protracted periods of time.

Instances of long delays in the payments of amounts due from the retirement fund have been called to my attention, and I understand that the situation is a cause of growing concern among many faithful employees who have been charged with fiscal duties. The Congress itself in a number of cases has recognized the inequity of the present situation. In this connection attention is invited to Private Law 30, approved April 11, 1941 (55 Stat. 899), and to Private Law 51, approved May 17, 1941 (55 Stat. 908), providing relief for the widow of L. E. Baumgarten, and for the relief of John G. Hunter, respectively, on account of moneys in the retirement fund which had been set off to satisfy disallowances in their money accounts.

The act approved May 29, 1930 (U. S. C., title 5, sec. 729), provides that none of the moneys in the civil-service retirement fund "shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process," and it is the opinion of the Treasury Department that the proposed legislation would be consistent with such provision.

It is strongly recommended, therefore, that it be enacted.

It is respectfully requested that you lay the proposed bill before the House. A similar bill has been transmitted to the President of the Senate.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this proposed legislation to the Congress.

Very truly yours,

D. W. BELL,  
*Acting Secretary of the Treasury.*

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UNITED STATES CIVIL SERVICE COMMISSION,  
*Washington, D. C., July 14, 1945.*

HON. ROBERT RAMSPECK,  
*Chairman, Committee on the Civil Service,*  
*House of Representatives.*

DEAR MR. RAMSPECK: Further reference is made to your communication of June 20, 1945, relative to H. R. 3492, a bill to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

The purpose of this bill is to prevent withholding or set-off of amounts in the civil-service retirement and disability fund to the credit of fiscal officers of the United States on account of suspensions or disallowances raised by the General Accounting Office when such officers have acted in good faith in the discharge of their official duties.

Amounts in the civil-service retirement and disability fund are accumulations or deductions from salaries of Federal employees and deposits made by them which are held in trust by the United States in order that these amounts with interest may purchase financial support for these employees upon retirement from service by reason of age or disability. The fact that many Government employees during their tenure of employment handle public funds for which they are required to be bonded should not, except in cases involving fraud, serve to jeopardize the financial protection Congress has provided for them by establishing the retirement system. This office recalls numerous cases that have been held up for considerable periods of time after death or separation of the employee pending the audit of the employee's accounts.

The Commission does not feel that the retirement fund, which was set up for a specific purpose, should be diverted into other channels. Favorable consideration of this bill is, therefore, recommended.

The Bureau of the Budget advises that there would be no objection to the presentation of this report to your committee.

By direction of the Commission:

Very sincerely yours,

HARRY B. MITCHELL *President.*

## CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in the Retirement Act of May 29, 1930, as amended, are shown as follows (new matter is printed in italics; existing law in which no change is proposed is shown in roman):

## ADMINISTRATION

SEC. 17. For the purpose of administration, except as otherwise provided herein, the Civil Service Commission is hereby authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. An appeal to the Civil Service Commissioners shall lie from the final action or order of the Civil Service Commission affecting the rights or interests of any person or of the United States under this Act, the procedure on appeal to be as prescribed by the Civil Service Commission.

The Civil Service Commission shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and shall transmit to Congress the reports and recommendations of the Board of Actuaries.

The Civil Service Commission shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the retirement and disability fund and to continue this Act in full force and effect.

Notwithstanding any other provision of this Act, there shall be no recovery of annuity payments from any annuitant under this Act who, in the judgment of the Civil Service Commission, is without fault and when, in the judgment of the Civil Service Commission, such recovery would be contrary to equity and good conscience; *nor shall there be any withholding or recovery of any moneys mentioned in this Act on account of any certification or payment made by any former officer or employee of the United States in the discharge of his official duties unless the head of the department or agency on behalf of which the certification or payment was made certifies to the Civil Service Commission that such certification or payment involved fraud on the part of such officer or employee.*







Union Calendar No. 634

79<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3492

[Report No. 2147]

---

## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1945

Mr. RAMSPECK (by request) introduced the following bill; which was referred to the Committee on the Civil Service

MAY 27, 1946

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

## A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 17 of the Civil Service Retirement Act, ap-  
4       proved May 29, 1930, as amended, is further amended by  
5       changing the final period to a semicolon and adding thereto  
6       the following: "nor shall there be any withholding or re-  
7       covery of any moneys mentioned in this Act on account of  
8       any certification or payment made by any former officer  
9       or employee of the United States in the discharge of his  
10      official duties unless the head of the department or agency

1 on behalf of which the certification or payment was made  
2 certifies to the Civil Service Commission that such cer-  
3 tification or payment involved fraud on the part of such  
4 officer or employee”.

Union Calendar No. 634

79<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3492**

[Report No. 2147]

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## **A BILL**

To amend further the Civil Service Retirement  
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By Mr. RAMSPECK

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JUNE 18, 1945

Referred to the Committee on the Civil Service

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DIGEST OF  
CONGRESSIONAL PROCEEDINGS  
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
Legislative Reports and Service Section  
(For Department staff only)

Issued June 18, 1946  
For actions of June 17, 1946  
79th-2nd, No. 117

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HIGHLIGHTS: House passed following bills: Continue Federal administration of Agricultural Conservation Program for 2 years; continue Sugar Act for 1 year; provide that future peanut allotments and quotas shall be at least as much as in 1941; prohibit peanut marketing quotas in 1947; provide for Swan Island animal-quarantine station; and reduce public-debt limit to \$275,000,000,000. House Rules Committee cleared omnibus flood-control bill. Rep. Rees said "farmers who sell wheat are entitled to have the price protected. Rep. Sabath spoke in favor of price control on farm products. Rep. Jenkins inserted Secretary's letter on publication of food-allotment lists.

HOUSE

1. AGRICULTURAL CONSERVATION PROGRAM. Passed without amendment H. R. 6459, to continue Federal administration of the Soil Conservation and Domestic Allotment Act from Jan. 1, 1947, to Jan. 1, 1949 (p. 7133).
2. SUGAR ACT. Passed without amendment H. R. 6689, to continue this Act until Dec. 31, 1947 (p. 7148).
3. PEANUT MARKETING. Passed as reported H. R. 5958, to provide that future marketing quotas and acreage allotments of peanuts for each State shall be at least that for 1941 (pp. 7138-9).  
Passed without amendment H. J. Res. 359, to eliminate marketing quotas for peanuts in 1947 (p. 7139).
4. ANIMAL QUARANTINE. Passed without amendment H. J. Res. 364, to provide for establishment of an international animal-quarantine station on Swan Island, and to permit the entry therein of animals from any country and the subsequent importation of such animals into other parts of the U. S. (pp. 7147-8).
5. CIVIL-SERVICE RETIREMENT. Passed without amendment H. R. 3492, to amend the Civil-Service Retirement Act so as to prevent withholding or set-off of amounts in the retirement fund to the credit of fiscal officers on account of suspensions or disallowances raised by GAO when such officers have acted in good faith (p. 7136).  
Passed as reported H. R. 4651, to amend this Act so as to provide that an annuitant retired because of disability, who recovers before reaching automatic retirement age, and who fails of reemployment through no fault of his own, be entitled to full annuity (p. 7136).



6. FLOOD CONTROL. The Rules Committee reported a resolution for consideration of H. R. 6597, the omnibus flood-control bill (p. 7131).
7. PERSONNEL; CLAIMS. Passed as reported H. R. 6532, which permits department and agency heads to designate disbursing officers to make payments of claims directly to Government employees and former employees for the difference between amounts for overtime, leave, and holiday compensation computed at day rates and overtime, leave, and holiday compensation computed at night rates pursuant to Comptroller General's decisions--applies only to those whose compensation is fixed by wage boards, etc., and who receive night differential pay (p. 7135).
8. FORESTRY. Passed without amendment H. R. 5840, which authorizes exchange of 144 acres of national-forest land used for pasturage for 8 acres of irrigated pasture land with an associated water right (p. 7136).
9. PUBLIC DEBT. Passed without amendment H. R. 6699, to reduce the public-debt limit from \$300,000,000,000 to \$275,000,000,000 (pp. 7149-60); during debate there was discussion in favor of economy in Government expenditures.
10. STRATEGIC MATERIALS. At the request of Rep. May, Ky., the conference report on S. 752, to provide for acquisition of stocks of strategic and critical material, was recommitted to the conferees (p. 7129). Rep. Pittenger, Minn., said he understood this action was taken "for a correction and not for a substantial change" (p. 7130).
11. FARM PRICES. Rep. Rees, Kans., said "farmers compelled to sell wheat are entitled to have the price protected" (p. 7130).  
Rep. Sabath, Ill., spoke in favor of price control on farm products (p. 7131).
12. APPROPRIATION HEARINGS. Rep. Slaughter, Mo., spoke in favor of opening appropriation hearings to members of Congress, stating that he was refused an opportunity to hear War Assets testimony even though he is chairman of the surplus-property investigating committee (p. 7130).
13. PERSONNEL. Passed as reported S. 1460, to fix the salary at \$10,000 per annum and provide Senate confirmation of appointment of the Interior Department solicitor (p. 7139).  
Rep. Miller, Calif., at the suggestion of the Speaker withdrew his request for consideration of H.R. 6691, to excuse Federal employees from duty on July 5, 1946 (pp. 7148-9).
14. GRAZING LANDS. Passed over on objection of Rep. Kean, N.J., H.R. 1392, to provide for renewing and increasing forage and improving watershed conditions on range lands, forests or Indian lands, or other U.S. lands; and authorizing sowing operations by airplane, machinery, or other means, for conducting experiments to improve methods of reseeding (p. 7139).
15. LAND-BANK COMMISSIONER LOANS. The Agriculture Committee reported with amendment H.R. 6477, to authorize continuation of Land-Bank Commissioner loans until July 1, 1948, and authorize repayment to the Treasury of capital in excess of that necessary to carry on the functions of the Federal Farm Mortgage Corporation (H.Rept. 2295) (p. 7161).



SEC. 2. The provisions of section 1 of this act shall be applicable to section 1 of the act of December 28, 1945 (Public Law 277, 79th Cong.).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### METHOD OF PAYMENT OF OVERTIME, LEAVE, AND HOLIDAY COMPENSATION IN CERTAIN DEPARTMENTS

The Clerk called the bill (H. R. 6532) to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That all claims by employees or former employees of the United States for overtime, leave, and holiday compensation based upon the difference between amounts heretofore received by such employees for overtime, leave, and holiday compensation computed at day rates and such compensation computed at night rates pursuant to decisions of the Comptroller General of the United States (23 Comp. Gen. 962; 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by the appropriate disbursing officers for the department or agency under which such compensation was earned: *Provided*, That claims for amounts due deceased persons or persons determined to be mentally incompetent shall be settled in the General Accounting Office.

SEC. 2. The heads of the departments and agencies concerned, or such subordinates as they may designate, are hereby authorized and directed to certify to the proper disbursing officer or to the General Accounting Office, as may be appropriate, the amount found to be due under any claim authorized to be paid by section 1 of this act. Payments made pursuant to certifications hereby authorized shall, in the absence of fraud, be final and conclusive.

SEC. 3. (a) No amount shall be certified for payment under section 2 of this act on account of any compensation earned prior to March 28, 1934, and this act shall not apply with respect to any claim for compensation earned subsequent to the date of approval thereof.

(b) No amount shall be certified for payment under section 2 of this act unless application shall have been submitted in writing, prior to the expiration of 2 years after the date of approval of this act, over the signature of the person performing the service: *Provided*, That claims of deceased persons or persons determined to be mentally incompetent may be submitted by their heirs or personal representatives.

(c) Except as otherwise provided in this section, no claim submitted in accordance with the terms of this act for compensation earned between the dates specified in subsection (a) of this section shall be barred by any statute of limitations.

SEC. 4. Any amount certified for payment under section 2 of this act shall be paid without deduction for retirement or withholding of any amount for taxes.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary for payment of amounts certified under this act.

SEC. 6. The heads of the departments and agencies concerned, including the Comptroller General of the United States, are hereby authorized to prescribe such regulations as may be necessary to carry out the purposes of this act in their respective agencies.

With the following committee amendment:

*: Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### INSTRUCTION AT UNITED STATES MILITARY ACADEMY OF 20 PERSONS FROM THE AMERICAN REPUBLICS

The Clerk called the bill (S. 1288) to authorize the course of instruction at the United States Military Academy to be given to not exceeding 20 persons at a time from the American Republics, other than the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized to permit, upon designation of the President of the United States, not exceeding 20 persons at a time from the American Republics (other than the United States) to receive instruction at the United States Military Academy at West Point, N. Y. Not more than three persons from any one of such republics shall receive instruction under authority of this act at the same time. The persons receiving instruction under authority of this act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, as cadets at the United States Military Academy appointed from the United States, except that the mileage allowance payable to such persons for travel performed in proceeding to the United States Military Academy for initial admission shall not be limited to mileage for travel within the continental limits of the United States. Such persons shall, except as may be determined by the Secretary of War, be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as cadets at the United States Military Academy shall not be entitled to appointment to any office or position in the United States Army by reason of their graduation from the United States Military Academy: *Provided*, That any persons permitted to receive instruction at the United States Military Academy under authority of this act shall not be subject to the provisions of sections 1320 and 1321 of the Revised Statutes.

SEC. 2. After the date of enactment of this act, no person shall have authority to permit citizens of the American Republics to receive instruction at the United States Military Academy under the provisions of the act entitled "An act to authorize the President to permit citizens of the American Republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof," approved June 24, 1938 (52 Stat. 1034). Any person who receiving instruction at the United States Military Academy on such date of enactment under authority of such act of June 24, 1938, may, in the discretion of the President, be permitted

to continue to receive such instruction and, if so permitted, shall thereafter be deemed to be receiving instruction under the provisions of section 1 of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TO GOVERN THE DISTRIBUTION OF WAR TROPHIES

The Clerk called the bill (H. R. 5915) to govern the distribution of war trophies.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### DECORATION FOR ACTS PERFORMED DURING THE PRESENT WAR

The Clerk called the bill (S. 1523) to modify the time limitations governing the award of certain military and naval decorations for acts performed during the present war.

There being no objection the Clerk read the bill as follows:

*Be it enacted, etc.,* That the limitations prescribed by the act of July 9, 1918 (40 Stat. 845, 871), and the act of August 7, 1942 (56 Stat. 743, 744), with respect to the time within which the Medal of Honor, Distinguished Service Cross, Navy Cross, Distinguished Service Medal, Silver Star Medal, Navy and Marine Corps Medal, and devices in lieu thereof, may be issued and the time within which statements or reports suggesting or recommending such awards may be made shall not apply to any case in which (1) the act or service justifying the award was performed during the period commencing December 7, 1941, and ending with the date of the termination of hostilities in the present war and (2) the recommendation for official recognition of such act or service was initiated not later than 6 months after the latter date. The term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, whichever is earlier.

#### GLACIER NATIONAL PARK

The Clerk called the bill (S. 1273) to provide for the acquisition by exchange of non-Federal property within the Glacier National Park.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is authorized to accept title to any non-Federal lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as now or hereafter established, when the acquisition by exchange of such property would, in his judgment, be in the best interests of the United States. In exchange for the non-Federal property so to be acquired, the Secretary of the Interior is authorized to convey to the grantors of such property, or to their nominees, any federally owned lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, located in the State of Montana and administered by the National Park Service, which are of approxi-



ately equal value, as determined by the Secretary, to the property being acquired. In order to facilitate the making of such exchanges, the Secretary of the Interior may enter into agreements for the reservation in conveyances to the United States, or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests as may be consistent, in his judgment, with the accomplishment of the purposes of this act, but all such limitations shall be considered in determining the equality of the interests to be exchanged.

SEC. 2. The title to all lands, interests in lands, buildings, or other property to be acquired pursuant to this act shall be satisfactory to the Secretary of the Interior. Any property acquired pursuant to this act shall, upon acceptance of title thereto, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area. The Secretary of the Interior is authorized to issue such regulations as he deems necessary for carrying out the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AVAILABILITY OF CERTAIN DEPARTMENT OF THE INTERIOR APPROPRIATIONS

The Clerk called the bill (S. 1857) to authorize the availability for certain necessary administrative expenses of appropriations for the Department of the Interior.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That appropriations for field work of the Department of the Interior shall be available for the hire, with or without personal services, of boats, work animals, and animal-drawn and motor-propelled vehicles and equipment.

SEC. 2. Appropriations for contingent expenses of the Department of the Interior shall be available, to the extent specified therein, for the payment of damages to private property (not to exceed \$500 in any one case) caused by the negligent operation of motor vehicles under such appropriations.

SEC. 3. The Secretary of the Interior, in carrying out the act of February 22, 1935, as amended (15 U. S. C. ch. 15A), is authorized to cooperate with Federal and State authorities.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AUTHORIZING AN EXCHANGE OF LAND IN EAGLE COUNTY, COLO.

The Clerk called the bill (H. R. 5840) to authorize an exchange of land in Eagle County, Colo.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, is hereby authorized to accept on behalf of the United States title to the herein-after-described lands, to wit: Beginning at corner numbered 3 of tract 45, which is also corner numbered 4 of tract 46 D of section 5, township 5 south, range 84 west, sixth principal meridian; thence north eighty-seven degrees forty-one minutes east a distance of two and one one-hundredths chains; thence north one degree forty-eight minutes east a distance of four and sixty-one one-hundredths chains; thence east a distance of one and sixty-six one-hundredths chains; thence south one degree forty-eight minutes west a distance of twenty-four and thirty-six one-hun-

dredths chains; thence south eighty-seven degrees fifty-one minutes west a distance of three and sixty-seven one-hundredths chains to corner numbered 7 of tract 47 and corner numbered 2 of tract 48, said section 5; thence north one degree forty-eight minutes east nineteen and seventy-five one-hundredths chains to point of beginning, situate in Eagle County, Colo., and containing approximately 8 acres, and to issue to the persons conveying said lands a patent to lands of the United States described as follows: Lots 19, 20, 21, 22, 23, and 24 of section 31, township 3 south, range 84 west, sixth principal meridian, being in Eagle County, Colo., and containing approximately one hundred and forty-four and forty-two one-hundredths acres.

SEC. 2. That title may be accepted or patent issued subject to reservations or exceptions of minerals, timber, or easements and that the survey of the tract to be conveyed to the United States shall be by and at the expense of the United States.

SEC. 3. That upon acceptance of title thereto the lands conveyed to the United States shall be used and administered by the Secretary of Agriculture in connection with the protection and management of the White River National Forest and shall be subject to the rules and regulations applicable to said national forest.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDING FURTHER THE CIVIL SERVICE RETIREMENT ACT

The Clerk called the bill (H. R. 3492) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 17 of the Civil Service Retirement Act, approved May 29, 1930, as amended, is further amended by changing the final period to a semicolon and adding thereto the following: "nor shall there be any withholding or recovery of any moneys mentioned in this act on account of any certification or payment made by any former officer or employee of the United States in the discharge of his official duties unless the head of the department or agency on behalf of which the certification or payment was made certifies to the Civil Service Commission that such certification or payment involved a fraud on the part of such officer or employee."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### AMENDING SECTION 6 OF CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930, AS AMENDED

The Clerk called the bill (H. R. 4651) to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the third paragraph of section 6 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended to read as follows:

"If a recovered disability annuitant whose annuity is discontinued subsequent to June 30, 1945, shall fail to obtain reemployment through no fault of his own in any position included in the provisions of this act, he shall be considered as having been involuntarily separated from the service within the meaning of section 7 of this act as of the date he was retired for disability and shall,

after the discontinuance of the disability annuity, be entitled to an annuity in accordance with the provisions of such section, computed at the attained age at the date of discontinuance of the disability annuity."

With the following committee amendments:

Page 1, line 7, after the word "shall" insert "after due diligence on his part."

Page 1, lines 8 and 9, strike out the words "through no fault of his own."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### SETTING ASIDE CERTAIN LANDS FOR THE KIOWA, COMANCHE, AND APACHE INDIAN RESERVATION, OKLA.

The Clerk called the bill (S. 1043) to set aside certain lands in Oklahoma in trust for the Indians of the Kiowa, Comanche, and Apache Indian Reservation.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the following-described lands are hereby eliminated from the Rainy Mountain School Reserve in Oklahoma and title is hereby vested in the United States in trust for the Indians of the Kiowa, Comanche, and Apache Indian Reservation: South half and northwest quarters of section 13; all of section 14; south half and northeast quarter of section 23; and west half of section 24; township 6 north, range 16 west, of the Indian meridian, Oklahoma, containing 1,920 acres.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### ADJUSTMENTS—INDIAN IRRIGATION PROJECT, MONTANA

The Clerk called the bill (H. R. 4933) to provide for adjustments in connection with the Crow irrigation project, Crow Indian Reservation, Mont.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That (1) notwithstanding any other provisions of law, the aggregate charge for all expenditures which have been made for construction of the Crow irrigation project, Crow Indian Reservation, Mont., exclusive of the Willow Creek storage works, against all non-Indian-owned lands under the Crow irrigation project is hereby fixed at \$45,000, which charge shall be the sole charge against these lands. The charge thus fixed shall cover all such expenditures, whatever their source, chargeable against such lands and includes expenditures from reimbursable and gratuity appropriations from the Treasury of the United States, and from moneys of the Crow Tribe whether or not the expenditures of such tribal moneys were specifically approved by the Indians in council.

(2) All non-Indian-owned lands under this project shall bear their pro rata share, computed on a per-acre basis, of the total charge fixed by this section, except that against the pro rata share chargeable to any particular tract there first shall be credited payments which have been already made on that tract to meet charges for reimbursable expenditures arising from the construction of such irrigation project. No credit in excess of such pro rata share, computed on a per-acre basis, shall be allowed. No refunds shall be made of amounts paid on any tract in excess of such pro rata share, computed on a per-acre basis. The first lien of the United







# H. R. 3492

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IN THE SENATE OF THE UNITED STATES

JUNE 18 (legislative day, MARCH 5), 1946

Read twice and referred to the Committee on Civil Service

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## AN ACT

To amend further the Civil Service Retirement Act, approved  
May 29, 1930, as amended.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 17 of the Civil Service Retirement Act, ap-  
4       proved May 29, 1930, as amended, is further amended by  
5       changing the final period to a semicolon and adding thereto  
6       the following: "nor shall there be any withholding or re-  
7       covery of any moneys mentioned in this Act on account of  
8       any certification or payment made by any former officer  
9       or employee of the United States in the discharge of his  
10      official duties unless the head of the department or agency  
11      on behalf of which the certification or payment was made  
12      certifies to the Civil Service Commission that such cer-  
13      tification or payment involved fraud on the part of such  
14      officer or employee".

Passed the House of Representatives June 17, 1946.

Attest:

SOUTH TRIMBLE,

*Clerk.*

By H. NEWLIN MEGILL.

79<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

H. R. 3492

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## AN ACT

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To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

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JUNE 18 (legislative day, MARCH 5), 1946

Read twice and referred to the Committee on  
Civil Service







# DIGEST OF CONGRESSIONAL PROCEEDINGS OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
Legislative Reports and Service Section  
(For Department staff only)

Issued June 24, 1946  
For actions of June 21, 1946  
79th-2nd, No. 121

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**HIGHLIGHTS:** President approved agricultural appropriation bill (June 22). Senate committee reported bill to continue Sugar Act for 3 years. Both Houses received conference report on selective-service continuation; proposed change regarding farm-labor deferment eliminated. Senate passed Hobbs anti-racketeering bill. Senate passed bill to continue priorities powers for one year. Senate confirmed nomination of Steelman to OWMR. House agreed to resolution giving Appropriations Committee (including Tarver subcommittee) \$30,000 to continue investigations of executive agencies. Rep. Clason blamed USDA and OPA for grain shortage and poultry losses.

## BILL APPROVED BY THE PRESIDENT

1. **AGRICULTURAL APPROPRIATION ACT, 1947, H. R. 5605.** Approved June 22, 1946 (public law number not yet available).—See page 5 for comparative statement of 1946 appropriations and 1947 Budget estimates with the 1947 Act.  

SENATE
2. **SUGAR-ACT CONTINUATION.** The Finance Committee reported H. R. 6689, to continue the Act for three years (June 20, S. Rept. 1555). The House version would continue the Act for one year.
3. **SELECTIVE SERVICE.** Both Houses received the conference report on H. R. 6064, to continue the Selective Training and Service Act (pp. 7392-3, 7478-80). The conference report provides for continuation of the Act until Mar. 31, 1947, authorizes induction of non-fathers between 19 and 45, makes no changes in the law regarding deferment of farm labor, and does not include the proposed change regarding deferment of students and others in scientific and engineering work.
4. **NAVAL APPROPRIATION BILL.** Passed with amendments this bill, H. R. 6496 (pp. 7394-11). There was discussion of the provision regarding strikes against the Government (pp. 7408-11). Conferees were appointed (p. 7411).
5. **TREASURY-POST OFFICE APPROPRIATION BILL.** Passed with amendments this bill, H. R. 5452 (pp. 7411-15). Conferees were appointed (p. 7415).
6. **STATE, JUSTICE, COMMERCE, JUDICIARY APPROPRIATION BILL.** Passed with amendments this bill, H. R. 6056 (pp. 7415-33). Conferees were appointed (p. 7433).



7. ANTI-RACKETEERING. Passed without amendment H. R. 32, the Hobbs bill to prohibit racketeering in connection with transportation, etc., of commodities (pp. 7433-4). This bill will now be sent to the President.
8. WAR POWERS. Passed with amendment H. R. 5716, to continue various provisions of the Second War Powers Act, including continuation of the priorities power until June 30, 1947 (pp. 7437-8). Agreed to an amendment by Sen. Moore, Okla., to state that nothing in this act or any other act, except the Price Control and Stabilization Acts, shall be construed to authorize price control (p. 7438).
9. NOMINATION. Confirmed the nomination of John R. Steelman to be Director of the Office of War Mobilization and Reconversion (p. 7439).
10. PERSONNEL. The Civil Service Committee reported the following bills without amendment (p. 7391):
  - S. 2083, to amend Sec. 6 of the Classification Act of 1923 so as to provide that in any case in which a public or private organization is made a part of a Government department or agency, the initial compensation of any person employed by such organization who, without break in service, becomes an officer or employee of the Government agency, shall be established in accordance with rules 2, 3, 4, and 5 of this section (S. Rept. 1566).
  - H. R. 3492, to protect certifying and disbursing officers from having their retirement fund attached unless the department head says the payment involved fraud (H. Rept. 1567).
  - H. R. 4651, to provide for full annuity under the Retirement Act for a disabled employee who later recovers but cannot find a job (S. Rept. 1568).
- The Education and Labor Committee reported with amendments S. 1178, providing equal pay for equal work for women (S. Rept. 1676) (p. 7391).
11. FORESTRY. The Public Lands and Surveys Committee reported without amendment H. R. 5840, to authorize exchange of certain forest land in Colo. (S. Rept. 1572) (p. 7391).
12. CONTRACTS. The Education and Labor Committee reported with amendment S. 1561, to amend the act regarding compensation, injury, etc., of employers of contractors with the Government outside the U. S., so as to make the 100% earning provision effective as of Jan. 1, 1942 (S. Rept. 1574) (p. 7391).
13. RECESSED until Mon., June 24 (p. 7439).

HOUSE

14. RESEARCH; PUBLIC LANDS. Passed as reported H.R. 5876, to authorize renewal of a lease to a railroad of a tract of land in the USDA Range Livestock Experiment Station, Mont., for a right-of-way to said tract, and for removal of gravel and ballast material (pp. 7454-5).
15. APPROPRIATIONS; INVESTIGATIONS. Agreed to a resolution giving the Appropriations Committee or any of its subcommittees (including the Tarver subcommittee) \$30,000 additional to continue investigations of executive departments and agencies (p. 7441). This resolution was reported earlier by the Accounts Committee (p. 7483).





United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 79<sup>th</sup> CONGRESS, SECOND SESSION

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No. 121

## Senate

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Lord our God, who renewest our sight with the fresh gladness of the morning, how excellent is Thy name in all the earth! Through the changing pageant of nature with form and color which thrill the senses, Thou makest Thyself known to us; for beauty is but Thy handwriting. Through shining lives of men and women that rise in moral splendor even as lowly vines climb to blossoming glory, we glimpse the heights of Thy holiness. We give Thee thanks for all interpreters of Thy mind who, with brush or pen or uttered word, bring even one more syllable of reality, one more gleam of the truth which makes men free.

In this our Father's world, while striving in the day's heat valiantly as men, may we keep our faith simple and our hearts happy as children. In the Redeemer's name. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, June 20, 1946, was dispensed with, and the Journal was approved.

### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

### LEAVE OF ABSENCE

Mr. WHITE. Mr. President, on behalf of the Senator from Iowa [Mr. HICKENLOOPER], I ask unanimous consent that he may be excused from attendance upon the sessions of the Senate while he is serving and absent as a member of the Special Committee on Atomic Energy.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and leave is granted.

Mr. CORDON. Mr. President, I ask unanimous consent to be absent from the Senate for such time as may be necessary

in connection with the Bikini atom-bomb test.

The PRESIDENT pro tempore. Without objection, leave is granted.

### SENATE BILLS RETURNED BY THE HOUSE AND INDEFINITELY POSTPONED

The PRESIDENT pro tempore. The Chair desires to state that, in compliance with a request of the Senate, the House of Representatives has returned two Senate bills which were passed by the Senate on June 14, and on which day the House passed identical bills, which were later passed by the Senate.

The Senate bills are S. 2141, amending the American Battle Monuments Commission Act, and S. 2200, providing for the settlement of certain damage claims by the War Department.

When the House bills were passed, the Senator from Utah [Mr. THOMAS] entered motions to reconsider the votes on the passage of the two Senate bills, which had been transmitted to the House.

Without objection, the votes on the passage of the two Senate bills will be reconsidered and the bills will be indefinitely postponed.

### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEY, from the Committee on the District of Columbia:

S. 2234. A bill to amend the District of Columbia Unemployment Compensation Act, to provide for unemployment compensation in the District of Columbia, and for other purposes; with an amendment (Rept. No. 1564).

By Mr. RADCLIFFE, from the Committee on Immigration:

S. 1478. A bill to record the lawful admission to the United States for permanent residence of Edith Frances De Becker Sebald; without amendment (Rept. No. 1565).

By Mr. DOWNEY, from the Committee on Civil Service:

S. 2083. A bill to amend section 6 of the Classification Act of 1923, as amended; without amendment (Rept. No. 1566).

H. R. 3492. A bill to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended; without amendment (Rept. No. 1567); and

H. R. 4651. A bill to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended; without amendment (Rept. No. 1568).

By Mr. HATCH, from the Committee on Public Lands and Surveys:

S. 1602. A bill to confirm title to certain railroad-grant lands located in the county of Kern, State of California; without amendment (Rept. No. 1570);

S. 1839. A bill to provide basic authority for the performance of certain functions and activities of the National Park Service; with amendments (Rept. No. 1569); and

H. R. 4486. A bill to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of that portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior; without amendment (Rept. No. 1571).

By Mr. JOHNSON, from the Committee on Public Lands and Surveys:

H. R. 5840. A bill to authorize an exchange of land in Eagle County, Colo.; without amendment (Rept. No. 1572).

By Mr. CORDON, from the Committee on Public Lands and Surveys:

H. R. 2423. A bill to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes; without amendment (Rept. No. 1573).

By Mr. HILL, from the Committee on Education and Labor:

S. 1561. A bill to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100-percent earning provisions effective as of January 1, 1942; with an amendment (Rept. No. 1574); and

S. 1920. A bill to provide for the demonstration of public-library service in areas without such service or with inadequate library facilities; with amendments (Rept. No. 1575).

By Mr. TUNNELL, from the Committee on Education and Labor:

S. 1178. A bill providing equal pay for equal work for women, and for other purposes; with amendments (Rept. No. 1576).

By Mr. CHAVEZ, from the Committee on Territories and Insular Affairs:

S. 2259. A bill to amend the Philippine Rehabilitation Act of 1946, for the purpose of making a clerical correction; with an amendment (Rept. No. 1577);

S. 2345. A bill to provide for the retention by the United States Government or its agencies or instrumentalities of real and personal property within the Philippines now owned or later acquired and for the administration of the Trading With the Enemy Act of October 6, 1917, as amended, in the Phil-



ippines, subsequent to independence; with an amendment (Rept. No. 1578);

S. 2348. A bill to authorize the continuance of the acceptance by the Treasury of deposits of public moneys from the Philippine Islands; without amendment (Rept. No. 1579);

H. R. 5112. A bill to authorize the city of Anchorage, Alaska, to issue bonds in a sum not to exceed \$5,000,000 for the purpose of constructing, reconstructing, improving, extending, bettering, repairing, equipping, or acquiring public works of a permanent character, and to provide for the payment thereof, and for other purposes; without amendment (Rept. No. 1580); and

H. R. 5800. A bill to authorize school districts in Alaska to issue bonds for school construction, and for other purposes; without amendment (Rept. No. 1581).

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CORDON:

S. 2358. A bill to extend the times for commencing and completing the construction of a bridge across the Columbia River in Clatsop County, Oreg., and for other purposes; to the Committee on Commerce.

By Mr. McCARRAN:

S. 2359. A bill to close the Office of the Recorder of Deeds on Saturdays; to the Committee on the District of Columbia.

By Mr. BUTLER:

S. 2360. A bill granting a pension to Bertha Laura Stokke; to the Committee on Pensions.

By Mr. BUSHFIELD:

S. 2361. A bill for the relief of J. P. Siebenicher; to the Committee on Claims.

By Mr. JOHNSON of Colorado (for himself and Mr. McFarland):

S. 2362. A bill relating to veterans' pension, compensation, or retirement pay during hospitalization, institutional or domiciliary care, and for other purposes; to the Committee on Finance.

By Mr. KNOWLAND:

S. 2363. A bill to provide for payment of extra compensation for work performed by customs employees on Sundays and holidays during the period between September 29, 1931, and June 2, 1944; to the Committee on Finance.

By Mr. HUFFMAN:

S. 2364. A bill for the relief of Patrick T. O'Malley; to the Committee on Claims.

By Mr. MEAD:

S. 2365. A bill granting exemption from income tax in the case of retirement pensions and annuities received by State, county, and municipal employees; to the Committee on Finance.

#### PUBLIC WORKS ON RIVERS AND HARBORS—AMENDMENT

Mr. TYDINGS submitted an amendment intended to be proposed by him to the bill (H. R. 6407) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to lie on the table and to be printed.

#### METHOD FOR PAYMENT OF CERTAIN COMPENSATION ON BASIS OF NIGHT RATES—CHANGE OF REFERENCE.

Mr. ELLENDER. Mr. President, on May 24, by request, I introduced Senate bill 2250, and it was referred to the Committee on Expenditures in the Executive Departments. There came to the Senate on the 18th of this month an identical bill, H. R. 6532, to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night

rates pursuant to certain decisions of the Comptroller General, and for other purposes, and it was referred to the Committee on Claims.

I now ask that the Committee on Claims be discharged from the further consideration of House bill 6532, and that it be referred to the Committee on Expenditures in the Executive Departments.

The PRESIDENT pro tempore. Without objection, the change of reference will be made.

#### INCLUSION OF RELIGIOUS FREEDOM IN INTERPRETATION OF "FUNDAMENTAL FREEDOMS" BY UNITED NATIONS

Mr. JOHNSTON of South Carolina submitted the following resolution (S. Res. 290), which was referred to the Committee on Foreign Relations:

Whereas thousands of men and women, hoping for an escape from persecution in other lands, sought during our colonial period an asylum in this country; and

Whereas the adoption of the first 10 amendments to our Federal Constitution in 1791 assured to the citizens of the United States certain fundamental freedoms, which the Government was denied the right ever to invade, among which was the freedom of religion; and

Whereas the extension of fundamental freedoms to all men everywhere is recognized in the Charter of the United Nations as one of the primary objectives to be earnestly sought for; and

Whereas the American tradition embodied in our basic law, includes freedom of religion as of first importance among the recognized fundamental freedoms: Therefore be it

Resolved, That the Senate of the United States approve in principle Article VII in Woodrow Wilson's proposed draft of the Covenant of the League of Nations made in 1919 to the Paris Peace Conference which is as follows:

"Recognizing religious persecution and intolerance as fertile sources of war, the powers signatory hereby agree, and the League of Nations shall exact from all states asking admission to it, the promise that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion, or belief, whose practices are not inconsistent with public order or public peace."

And be it further

Resolved, That the President of the United States be requested to direct our representatives in the United Nations Organization to so interpret the words, "fundamental freedoms" as to include freedom of religion, and to take such action as may be necessary to secure as soon as possible favorable action upon this interpretation by the Assembly of the United Nations, to the end that religious persecution by any civil state may be outlawed throughout the world.

#### EXTENSION OF SELECTIVE TRAINING AND SERVICE ACT OF 1940—CONFERENCE REPORT

Mr. JOHNSON of Colorado submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6064) to extend the Selective Training and Service Act of 1940, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That all of the provisions of the Selective Training and Service Act of 1940, as amended, are hereby expressly reenacted, except those provisions which are hereinafter amended or repealed.

"SEC. 2. (a) So much of the first sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, as precedes the first proviso is hereby amended to read as follows:

"SEC. 3. (a) Except as otherwise provided in this Act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of nineteen and forty-five, at the time fixed for his registration, or who attains the age of nineteen after having been required to register pursuant to section 2 of this Act, shall be liable for training and service in the land or naval forces of the United States."

"(b) The fourth proviso of the second sentence of section 3 (a) of the Selective Training and Service Act of 1940, as amended, is amended to read as follows: 'Provided further, That on July 1, 1946, the number of men in active training or service in the Army shall not exceed one million five hundred and fifty thousand, and that this number shall be reduced consistently month by month so that the Army's strength shall not exceed one million and seventy thousand on July 1, 1947: And provided further, That on July 1, 1947, the number of men in active training or service in the Navy shall not exceed five hundred and fifty-eight thousand and in the Marine Corps one hundred and eight thousand: And provided further, That the monthly requisitions on the President under this Act by the Secretary of War and the Secretary of the Navy shall not exceed the number of men required after consideration of the actual number of voluntary enlistments during the three months preceding that month in which the requisition is made. For the purposes of the fourth and fifth provisos of the preceding sentence, no man shall be deemed to be in active training or service or to be part of the strength of the Army, Navy, or Marine Corps, if—

"(1) he is on terminal leave;

"(2) he is a member of the detachment of patients who are to be discharged or relieved from active duty without being returned to an active duty status; or

"(3) he is being processed, following completion of his period of service, for discharge or relief from active duty."

"SEC. 3. Section 3 (b) of such Act, as amended, is hereby amended to read as follows:

"(b) Each man inducted on and after October 1, 1946, under the provisions of subsection (a) shall serve for a period of training and service of eighteen consecutive months (excluding time served while pursuing a course of instruction in a university, college, or other similar institution of learning), unless sooner discharged. Each man inducted prior to October 1, 1946, under the provisions of subsection (a) who shall have completed a period of training and service under this Act of 18 months or more (excluding time served while pursuing a course of instruction in a university, college, or other similar institution of learning) shall, upon his request, on and after such date, be relieved from his period of training and service under this Act. Notwithstanding the foregoing provisions, whenever, after January 1, 1946, the Congress declares that the national interest is imperiled, such periods of training and service may be extended by the President to such time as may be necessary in the interest of national defense."

"SEC. 4. Section 3 (e) of such Act, as amended, is hereby repealed.



## AMENDING FURTHER THE CIVIL SERVICE RETIREMENT ACT

JUNE 21 (legislative day, MARCH 5), 1946.—Ordered to be printed

Mr. DOWNEY, from the Committee on Civil Service, submitted the following

### REPORT

[To accompany H. R. 3492]

The Committee on Civil Service to whom was referred the bill (H. R. 3492) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purposes of the bill are explained in detail in the following report of the House Committee on Civil Service:

The Committee on the Civil Service, to whom was referred the bill (H. R. 3492) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of this legislation is to prevent withholding or set-off of amounts in the civil-service-retirement fund to the credit of fiscal officers of the United States on account of suspensions or disallowances raised by the General Accounting Office when such officers have acted in good faith in the discharge of their official duties.

This bill is recommended by the Treasury Department and approved by the Civil Service Commission. Copies of the transmitting letter and report are included herein.

TREASURY DEPARTMENT,  
Washington 25, May 15, 1945.

HON. SAM RAYBURN,  
Speaker of the House of Representatives,  
Washington, D. C.

MY DEAR MR. SPEAKER: There is transmittted herewith a proposed bill (H. R. 3492) to amend the Civil Service Retirement Act, approved May 29, 1930, as amended. The purpose of the bill is to prevent withholding or set-off of amounts in the civil-service retirement fund to the credit of fiscal officers of the United States on account of suspensions or disallowances raised by the General Accounting Office, when such officers have acted in good faith in the discharge of their official duties.

Such credits in the civil-service-retirement fund are the accumulation of compulsory deductions from the compensation of Federal employees, which are held in trust by the United States in order that the principal and interest thereon may purchase financial support for those employees who have reached the retirement age, after what, in most instances, involves many years of faithful public service. The fact that many Government employees during the tenure of their employment handle public funds for which they are required to be bonded should not, except in cases involving fraud, serve to jeopardize the financial protection Congress has provided for them and their families by establishing the contributory retirement system.

While usually suspensions and disallowances in the accounts of fiscal officers are eventually removed, either by subsequent administrative action or by private relief legislation, the fiscal officers and employees involved, or the beneficiaries of such officers and employees who may have died, are deprived of moneys to which they are entitled, for protracted periods of time.

Instances of long delays in the payments of amounts due from the retirement fund have been called to my attention, and I understand that the situation is a cause of growing concern among many faithful employees who have been charged with fiscal duties. The Congress itself in a number of cases has recognized the inequity of the present situation. In this connection attention is invited to Private Law 30, approved April 11, 1941 (55 Stat. 899), and to Private Law 51, approved May 17, 1941 (55 Stat. 908), providing relief for the widow of L. E. Baumgarten, and for the relief of John G. Hunter, respectively, on account of moneys in the retirement fund which had been set off to satisfy disallowances in their money accounts.

The act approved May 29, 1930 (U. S. C., title 5, sec. 729), provides that none of the moneys in the civil-service retirement fund "shall be assignable, either in law or equity, or be subject to execution, levy, or attachment, garnishment, or other legal process," and it is the opinion of the Treasury Department that the proposed legislation would be consistent with such provision.

It is strongly recommended, therefore, that it be enacted.

It is respectfully requested that you lay the proposed bill before the House. A similar bill has been transmitted to the President of the Senate.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this proposed legislation to the Congress.

Very truly yours,

D. W. BELL,  
*Acting Secretary of the Treasury.*

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UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., July 14, 1945.

HON. ROBERT RAMSPECK,  
*Chairman, Committee on the Civil Service,*  
*House of Representatives.*

DEAR MR. RAMSPECK: Further reference is made to your communication of June 20, 1945, relative to H. R. 3492, a bill to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

The purpose of this bill is to prevent withholding or set-off of amounts in the civil-service retirement and disability fund to the credit of fiscal officers of the United States on account of suspensions or disallowances raised by the General Accounting Office when such officers have acted in good faith in the discharge of their official duties.

Amounts in the civil-service retirement and disability fund are accumulations or deductions from salaries of Federal employees and deposits made by them which are held in trust by the United States in order that these amounts with interest may purchase financial support for these employees upon retirement from service by reason of age or disability. The fact that many Government employees during their tenure of employment handle public funds for which they are required to be bonded should not, except in cases involving fraud, serve to jeopardize the financial protection Congress has provided for them by establishing the retirement system. This office recalls numerous cases that have been held up for considerable periods of time after death or separation of the employee pending the audit of the employee's accounts.

The Commission does not feel that the retirement fund, which was set up for a specific purpose, should be diverted into other channels. Favorable consideration of this bill is, therefore, recommended.



The Bureau of the Budget advises that there would be no objection to the presentation of this report to your committee.

By direction of the Commission:

Very sincerely yours,

HARRY B. MITCHELL, *President.*

#### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in the Retirement Act of May 29, 1930, as amended, are shown as follows (new matter is printed in italics; existing law in which no change is proposed is shown in roman):

#### "ADMINISTRATION

"SEC. 17. For the purpose of administration, except as otherwise provided herein, the Civil Service Commission is hereby authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. An appeal to the Civil Service Commissioners shall lie from the final action or order of the Civil Service Commission affecting the rights or interests of any person or of the United States under this Act, the procedure on appeal to be as prescribed by the Civil Service Commission.

"The Civil Service Commission shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and shall transmit to Congress the reports and recommendations of the Board of Actuaries.

"The Civil Service Commission shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the retirement and disability fund and to continue this Act in full force and effect.

"Notwithstanding any other provision of this Act, there shall be no recovery of annuity payments from any annuitant under this Act who, in the judgment of the Civil Service Commission, is without fault and when, in the judgment of the Civil Service Commission, such recovery would be contrary to equity and good conscience; *nor shall there be any withholding or recovery of any moneys mentioned in this Act on account of any certification or payment made by any former officer or employee of the United States in the discharge of his official duties unless the head of the department or agency on behalf of which the certification or payment was made certifies to the Civil Service Commission that such certification or payment involved fraud on the part of such officer or employee.*"



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Calendar No. 1595

79<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3492

[Report No. 1567]

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## IN THE SENATE OF THE UNITED STATES

JUNE 18 (legislative day, MARCH 5), 1946

Read twice and referred to the Committee on Civil Service

JUNE 21 (legislative day, MARCH 5), 1946

Reported by Mr. DOWNEY, without amendment

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## AN ACT

To amend further the Civil Service Retirement Act, approved  
May 29, 1930, as amended.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That section 17 of the Civil Service Retirement Act, ap-  
4        proved May 29, 1930, as amended, is further amended by  
5        changing the final period to a semicolon and adding thereto  
6        the following: "nor shall there be any withholding or re-  
7        covery of any moneys mentioned in this Act on account of  
8        any certification or payment made by any former officer  
9        or employee of the United States in the discharge of his  
10       official duties unless the head of the department or agency  
11       on behalf of which the certification or payment was made

1 certifies to the Civil Service Commission that such cer-  
 2 tification or payment involved fraud on the part of such  
 3 officer or employee”.

Passed the House of Representatives June 17, 1946.

Attest:

SOUTH TRIMBLE,

*Clerk.*

By H. NEWLIN MEGILL.

Calendar No. 1595

79TH CONGRESS  
2d Session

**H. R. 3492**

[Report No. 1567]

## AN ACT

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

JUNE 18 (legislative day, MARCH 5), 1946

Read twice and referred to the Committee on  
Civil Service

JUNE 21 (legislative day, MARCH 5), 1946

Reported without amendment







DIGEST OF  
CONGRESSIONAL PROCEEDINGS  
OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE  
Legislative Reports and Service Section  
(For Department staff only)

Issued July 18, 1946  
For actions of July 17, 1946  
79th-2nd, No. 140

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HIGHLIGHTS: Senate passed bills to: Continue Federal administration of Agricultural Conservation program; authorize Swan Island animal-quarantine station; prohibit 1947 cotton-marketing quotas; prohibit 1947 peanut-marketing quotas; provide for future peanut marketing quotas as large as in 1941; provide substantive authority for administrative-expense provisions in Independent Offices Appropriation Act; and include department heads under Retirement Act. Senate discussed and passed over bill to provide for 2 additional Assistant Secretaries of Agriculture. Senate confirmed nominations of Isleib to be Land Bank Commissioner and Littlejohn to be War Assets Administrator. Sen. Wherry and others discussed price situation, subsidies, etc. House received conference report on 3rd deficiency appropriation bill.

SENATE

1. AGRICULTURAL CONSERVATION PROGRAM. Passed without amendment H. R. 6459, to continue Federal administration of this program under the Soil Conservation and Domestic Allotment Act until Jan. 1, 1949 (p. 9317). This bill will now be sent to the President.
2. COTTON QUOTAS. Passed without amendment H. J. Res. 336, to prohibit cotton marketing quotas in 1947 (pp. 9316-7). This bill will now be sent to the President.
3. PEANUT QUOTAS. Passed without amendment H. J. Res. 359, to prohibit peanut marketing quotas in 1947 (p. 9317). This bill will now be sent to the President.  
Passed without amendment H. R. 5958, to provide that future peanut quotas shall be at least as large as in 1941 (p. 9317). This bill will now be sent to the President.
4. ANIMAL QUARANTINE. Passed without amendment H. J. Res. 364, to provide for establishment of an international animal-quarantine station on Swan Island (pp. 9317-8). This measure will now be sent to the President.
5. ADMINISTRATIVE EXPENSES. Passed with amendments H. R. 6533, the Manasco bill to provide substantive authority for various provisions carried in the Independent Offices Appropriation Act (pp. 9315-6). At the request of Chairman Hill of the Committee, rejected amendments (previously reported by the Committee) to provide for uniform travel payments for automobiles and motorcycles whether in official stations or not, and the amendments in Sec. 18, for which a substitute was agreed to which apparently would include GAO and GPO under the bill.



6. BUILDINGS AND GROUNDS. Passed without amendment H. R. 6627, to provide for acquisition of buildings and grounds in foreign countries for use of the U. S. Government (pp. 9301-3). This bill will now be sent to the President.
7. RESEARCH. Passed as reported H. R. 5911, to establish an Office of Naval Research in the Navy Department (pp. 9313-4).
8. FORESTRY. Passed without amendment H. R. 5840, to authorize the Forest Service to exchange 144.42 acres of nonirrigated pasture land in Eagle County, Colo., which they can no longer economically use for 8 acres of irrigated pasture land located near the ranger headquarters (p. 9307). This bill will now be sent to the President.
9. SURPLUS PROPERTY. The Military Affairs Committee reported with amendment H. R. 6702, to clarify the rights of former owners of real property to reacquire such property under the Surplus Property Act of 1944 (S. Rept. 1722) (p. 9298).
10. FOREIGN RELATIONS. The Foreign Relations Committee reported with amendment S. 2432, to enable the State Department more effectively to carry out its responsibilities in the foreign field by means of (a) public dissemination abroad of information about the U. S., its people and policies, and (b) promotion of the interchange of persons, knowledge, and skills between the people of the U. S. and other countries (S. Rept. 1730) (p. 9298).
11. TRANSPORTATION. Passed without amendment H. R. 4180, to amend the Larceny Act so as to include embezzlement and to extend the Act to air transportation (p. 9315). This bill will now be sent to the President.
12. WILDLIFE CONSERVATION. Passed without amendment H. R. 3821, relating to State apportionments under the Pittman-Robertson Act (p. 9317). This bill will now be sent to the President.
13. UNESCO. Passed as reported H. J. Res. 305, to authorize U. S. participation in the United Nations Educational, Scientific, and Cultural Organization (pp. 9321-2).
14. CREDIT UNIONS. Passed as reported H. R. 6372, to make various amendments to the Federal Credit Union Act (p. 9321).
15. RECLAMATION. Discussed and, at the request of Sen. LaFollette, Wis., passed over S. Res. 296, to authorize an investigation of Interior contracts for disposition of water resources of the Central Valley project (p. 9324).
16. WILDLIFE CONSERVATION. At the request of Chairman Thomas of the Agriculture and Forestry Committee, H. R. 6097, which provides for consultation with the Fish and Wildlife Service when a Federal agency impounds or controls waters, was recommitted for further study (p. 9331).
17. WOOL. At the request of Sen. Austin, Vt., passed over S. 2033, the O'Mahoney wool bill (p. 9345).
18. PERSONNEL. Passed without amendment H. R. 3492, to amend the Civil Service Retirement Act so as to prohibit withholding or recovery of moneys on account of certification or payment by a former Federal employee unless there is shown to have been fraud on the part of the employee (pp. 9306-7). This bill will now be sent to the President.  
Passed without amendment S. 2083, to amend the Classification Act so as to



in chief, and asks him to stand for a moment.

(General Papagos rose from his seat in the gallery, amid applause, Senators rising.)

WALTER S. FAULKNER

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (S. 162) for the relief of Walter S. Faulkner was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter S. Faulkner, of Lebanon, Tenn., the sum of \$1,576, in full satisfaction of his claims against the United States for (1) compensation for personal injuries and property damage sustained by him when his personally owned automobile which he was driving was struck by a United States Army truck near Martha, Tenn., on September 13, 1943, and (2) for reimbursement of medical and other expenses incurred by him as a result of such injuries: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### CLASS 4 AND LARGER AIRPORTS—BILL PASSED OVER

The bill (H. R. 6741) relating to the operation of section 8 of the Federal Airport Act with respect to the fiscal year 1947 was announced as next in order.

Mr. BALL. Mr. President, may we have an explanation from the Senator from Nevada?

Mr. McCARRAN. Section 8 of the Federal Airport Act of 1946 provides as follows:

SEC. 8. At least 2 months prior to the close of each fiscal year, the Administrator shall submit to the Congress a request for authority to undertake during the next fiscal year those of the projects for the development of class 4 and larger airports, included in the then current revision of the national airport plan formulated by him under this act, which, in his opinion, should be undertaken during that fiscal year, together with an estimate of the Federal funds required to pay the United States share of the allowable project costs of such projects. In determining which projects to include in such a request, the Administrator shall consider, among other things, the relative aeronautical need for and urgency of the projects included in the plan and the likelihood of securing satisfactory sponsorship of such projects.

We passed the act too late in the year to have that function carried out by the Civil Aeronautics Authority. Hence, we now propose to pass this measure, so that the Authority may file its estimate. Then, after Congress reconvenes in January, if it takes no action to prevent the operation of the provision of the original statute, the plan proposed by the Civil Aeronautics Authority will go forward.

That is the object of the bill, namely, simply to make up for what we lost in

passing the bill too late to permit the request to be filed with Congress in time.

Mr. BALL. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. BALL. As I read the bill, it requires the Administrator to file the estimates on the projects he wishes to take up with the funds we provided for in the bill recently passed. Then he cannot undertake them until 60 days have elapsed.

Mr. McCARRAN. Under the original bill it is provided that Congress must pass a negative act.

Mr. BALL. Under the original bill, as I understand it, he would submit the estimates to the Appropriations Committee, and the Congress would pass on them in connection with the appropriations bill.

Mr. McCARRAN. That is correct.

Mr. BALL. But I am wondering how, under this measure, the Congress would act. What committee would handle it? Would it be the Appropriations Committee or the Commerce Committee?

Mr. McCARRAN. It would be the Appropriations Committee.

The Senator will note that the concluding part of section 8 of the act reads as follows:

In granting any funds that thereafter may be appropriated to pay the United States share of allowable project costs during the next fiscal year the Administrator may consider such appropriations as granting the authority requested unless a contrary intent shall have been manifested by the Congress by law or by concurrent resolution, and no such grants shall be made unless so authorized.

This bill now provides that the authority may file the plan if, after Congress convenes, 60 days elapse and the Congress takes no action either by way of concurrent resolution or otherwise. Then the matter is approved, subject to the approval of the Appropriations Committee.

Mr. BALL. No, Mr. President; the Appropriations Committee has already made the funds available for this year.

Mr. McCARRAN. The Senator from Minnesota is correct about that.

Mr. BALL. So the only way we could disapprove the projects would be by adopting a concurrent resolution.

Mr. McCARRAN. The Senator is correct about it.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. CORDON. Referring to page 2 of House bill 6741, we find the following:

(2) Unless, on or before the sixtieth day after the day so fixed, a contrary intent shall have been manifested by the Congress—

And so forth. On page 1, two times are provided for. I take it that that reference is to the day fixed for the convening of the new Congress.

Mr. McCARRAN. That is correct.

Mr. CORDON. So the Congress will have 60 days after reconvening in which to take affirmative action on any plan which may be filed at any time during a recess or adjournment; is that correct?

Mr. McCARRAN. That is correct.

Mr. BREWSTER. Mr. President, will the Senator yield to me?

Mr. McCARRAN. I yield.

Mr. BREWSTER. I am a little at a loss to understand this situation. The only difference, so far as I can understand, between the original bill and the proposal which is here presented is that it is recognized that an opportunity should at least be afforded for congressional action. What is the difference between our allowing Congress, when it reconvenes in January, affirmatively to approve these projects, if they seem desirable, within the 60-day period, and the provision in the negative form which is presented by the bill? The only difference is that it is sometimes very much easier to delay action than it is to secure affirmative action.

As the Senator from Nevada knows, one of the great problems in this connection has been what is going to happen to class 4 airports and larger airports, and whether one particular city which already has \$50,000,000 with which to build an airport will obtain \$100,000,000 with which to build another airport, while other cities all over the country are crying for funds for airport construction. If one or two Senators could delay any action of a negative character, then the whole thing would be consummated. That is the procedure.

The proposal here merely puts the Congress in the position of requiring negative action, rather than permitting the Congress to take affirmative action if it so desires.

Mr. McCARRAN. Mr. President, the able Senator from Maine made the same argument in relation to the original bill. The language of this measure is the language of the original bill itself. The Senator made the same argument in opposition to that language, but the language of the original bill is in the negative. In other words, under the original bill if Congress does not act, then the plan submitted becomes effective.

Mr. BREWSTER. Mr. President, I ask the Senator to wait a minute, please. If the Congress does not appropriate the money, nothing can be done. The plan would have to be submitted, so as to enable the Appropriations Committee of the Senate to consider whether such an allocation of funds to airports over the country would be in accord with what is considered fair and wise.

This measure would convert the arrangement, and would place it in the negative. However, no action could be taken by the Civil Aeronautics Authority without the approval of the funds, on the submission of the plan.

Mr. McCARRAN. Mr. President, the Senator from Maine overlooks the fact that the original bill is in the negative.

Mr. BREWSTER. The original act requires that 60 days before any appropriation the Senate shall have information about the plan.

Now it is proposed by this bill that, having received the information, there shall be no necessity for approval, except by negative action.

Mr. McCARRAN. It is 60 days before the end of the fiscal year.



Mr. BREWSTER. The Senator is correct. It will be 60 days before the appropriation will be made.

Mr. McCARRAN. Of course, the Senator's statement is theoretically correct. But under the provisions of the law we could not have the plan go into effect because the law was passed too late for the plan to be made effective. This measure merely puts into effect the provisions of the original act, but presents the matter to the Congress in a different form.

Mr. BREWSTER. Why does the Senator object to allowing the Congress to take affirmative action, as was contemplated under the original provision?

Mr. McCARRAN. For the same reason that I objected in the first instance to the Senator's proposal.

Mr. LUCAS. Mr. President, I ask for the regular order.

Mr. WHERRY. Mr. President, should like to have the Senator from Nevada explain to me what has delayed the consideration of this bill.

Mr. LUCAS. Mr. President, I request the regular order.

The PRESIDENT pro tempore. The regular order has been asked for. Is there objection to the present consideration of House bill 6741?

Mr. BREWSTER. I object.

The PRESIDENT pro tempore. Objection is heard, and the bill will be passed over.

#### DES MOINES RIVER BRIDGE AT OR NEAR EDDYVILLE, IOWA

The bill (H. R. 6081) granting the consent of Congress to the Iowa State Highway Commission to construct, maintain, and operate a free highway bridge across the Des Moines River at or near the town of Eddyville, Iowa, was considered, ordered to a third reading, read the third time, and passed.

#### MISSOURI RIVER BRIDGE BETWEEN NEBRASKA AND IOWA

The bill (S. 2225) to amend the act entitled "An act authorizing the Nebraska-Iowa Bridge Corp., a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa," approved March 6, 1928, was announced as next in order.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill coming over from the House of Representatives which is identical with the Senate bill and deals with the same subject matter.

The bill (H. R. 6515) to amend the act entitled "An act authorizing the Nebraska-Iowa Bridge Corp., a Delaware corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River between Washington County, Nebr., and Harrison County, Iowa," approved March 6, 1928, was read twice by title.

The PRESIDENT pro tempore. Without objection, the bill just laid before the Senate will be substituted for Senate bill 2225, and will be immediately considered.

There being no objection, the bill (H. R. 6515) was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 2225 will be indefinitely postponed.

#### RIO GRANDE BRIDGE NEAR RIO GRANDE CITY, TEX.—BILL PASSED OVER

The bill (H. R. 6751) authorizing Gus A. Guerra, his heirs, legal representatives, and assigns, to construct, maintain, and operate a toll bridge across the Rio Grande, at or near Rio Grande City, Tex., was announced as next in order.

SEVERAL SENATORS. Over!

The PRESIDENT pro tempore. The bill will be passed over.

#### WABASH RIVER BRIDGE NEAR MONTEZUMA, IND.

The bill (H. R. 6041) authorizing the State of Indiana to construct, maintain, and operate a free highway bridge across the Wabash River at or near Montezuma, Ind., was considered, ordered to a third reading, read the third time, and passed.

#### OHIO RIVER BRIDGE NEAR CANNELTON, IND.

The bill (H. R. 6065) authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge or a free bridge across the Ohio River at or near Cannelton, Ind., was considered, ordered to a third reading, read the third time, and passed.

#### MISSOURI RIVER BRIDGE NEAR CAHOKIA, ILL.

The Senate proceeded to consider the bill (H. R. 6004) to provide authorization for the village of Cahokia, Ill., to construct, maintain, and operate a toll bridge across the Mississippi River at or near Cahokia, Ill., and for other purposes.

Mr. LUCAS. Mr. President, I send forward an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from Illinois will be stated.

The CHIEF CLERK. On page 3, line 15, after the word "Illinois", it is proposed to insert the words "or Missouri"; and on the same page, in lines 15, 18, and 24, to strike out, wherever it occurs, the word "State" and in lieu thereof to insert the word "States."

Mr. BROOKS. Mr. President, I inquire what is the purpose of the amendment?

Mr. LUCAS. The amendment would simply permit the city of St. Louis or any subdivision of the State of Missouri later to join, for example, with someone in Illinois in undertaking the operation of the bridge.

Mr. BROOKS. I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

#### EDITH FRANCES DE BECKER SEBALD

The bill (S. 1478) to record the lawful admission to the United States for permanent residence of Edith Frances de

Becker Sebald was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Attorney General be, and is hereby, authorized and directed to record the lawful admission for permanent residence of Edith Frances de Becker Sebald, who entered the United States at San Francisco, Calif., on June 23, 1939, and that she shall, for all purposes under the immigration laws, be deemed to have been lawfully admitted as an immigrant for permanent residence.

#### AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The bill (H. R. 3492), to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended was announced as next in order.

Mr. BALL. Mr. President, may we have an explanation of the bill?

Mr. DOWNEY. This bill is desired very much by the Treasury Department and some of the other agencies of the Government. There is on the statute books a rather strict technical law under which, if a fiscal officer, through inadvertence or even in good faith, improperly disburses any funds, the amount of the disbursement must be charged against his civil-service retirement annuity until the matter is adjusted. The Treasury has found that is a harsh and unworkable rule. The purpose of the bill, more technically speaking, is explained in the paragraph I shall now read from the report of the committee:

The purpose of this legislation is to prevent withholding or set-off of amounts in the civil-service retirement fund to the credit of fiscal officers of the United States on account of suspensions or disallowances raised by the General Accounting Office when such officers have acted in good faith in the discharge of their official duties.

I should like to say to the distinguished Senator that all these officers are bonded, and it is not a question of protecting the Government against any ultimate loss. As the law is written it raises many technical questions and accounting difficulties, and the General Accounting Office and the Treasury Department and the Civil Service Commission desire to have the change made.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. RUSSELL. Who passes upon the question of whether there was embezzlement or whether the disbursement was made in good faith? Is that left to the Treasury Department or some other department?

Mr. DOWNEY. I suppose that is a question for the Treasury Department. I might say to the distinguished Senator that if they thought there was a question of embezzlement or that the money was paid improperly, it would be for them to determine.

Mr. CORDON. Mr. President, if the officer were bonded, would the bond be available to the United States if the loss resulted from an illegal payment by the Federal employee, made in good faith and with no intent to violate the law?

Mr. DOWNEY. If the employee himself could not be held, the bonding company could not be held; if the employee could be held the bonding company



could be; but in the event the employee himself was not responsible there would be no reason it seems to me for offsetting the fund.

Mr. CORDON. One other question. Did the General Accounting Office report on the bill?

Mr. DOWNEY. Yes, they had a representative present at one of the meetings of the committee who expressed himself as desiring the passage of the bill.

Mr. CORDON. I did not know that there was in the committee report any written report from the General Accounting office, and I did not know that hearings were held.

Mr. DOWNEY. At the last meeting witnesses were heard.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 3492) was considered, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF CLASSIFICATION ACT OF 1923

The bill (S. 2083) to amend section 6 of the Classification Act of 1923, as amended, was announced as next in order.

Mr. WHERRY. Mr. President, may we have an explanation of this bill?

Mr. DOWNEY. This bill is designed to protect the rights of the employees of private factories or industries which were taken over by the Government and to provide the same rights for those employed as if they had theretofore been employed by the Government in positions not covered by the Classification Act rather than by the private industry. I shall read one paragraph from the report describing the heart of the bill.

The purpose of the bill is to prevent or minimize certain injustices in the fixing of the initial salary rates of persons who become employees of the Government when the Government takes over the privately operated plants in which they are employed.

The Army, the Navy, and the Civil Service Commission favor this bill. All it does is to allow the Government to make adjustments in fixing the initial salary rates of the employees of private plants which have been taken over by the Government.

The distinguished Senator from Connecticut, Admiral HART, participated in the deliberations on this bill, and his wide experience in governmental affairs, of course, gave him familiarity with and knowledge of the subject.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 6 of the Classification Act of 1923, as amended, is amended by inserting before the period at the end of such section a colon and the following: "Provided, That in any case in which a public or private organization is made a part of a department or independent establishment of the Federal Government, the initial compensation of any person employed by such organization, who, without break in service, becomes an officer or employee of

such department or independent establishment in a position subject to the provisions of this act, shall be established in accordance with rules 2, 3, 4, and 5, of this section."

SEC. 2. The amendment made by the first section of this act shall take effect as of September 2, 1945.

#### AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The bill (H. R. 4651) to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended, was announced as next in order.

Mr. WHERRY. Mr. President, I should like to have an explanation of this bill.

Mr. DOWNEY. Mr. President, this, too, is a rather technical bill. It affects only a very limited number of persons. I shall read a paragraph from the report describing the technical situation:

The purpose of this bill is to amend the Civil Service Retirement Act of May 29, 1930, as amended, so as to provide eligibility for retirement for persons who have been retired for disability and who recover before reaching retirement age, but fail to again become employed in a position subject to the Retirement Act.

Under existing law, the annuity of an employee who retires for disability, and who is found to have recovered from such disability prior to attaining retirement age, is discontinued upon the expiration of 1 year following the date of the examination showing recovery. Unless the employee becomes re-employed in a position within the purview of the Retirement Act, he has no right to a future annuity based upon age.

In other words, through a miscarriage in the law, as I view it, an employee of the Government having the right to an annuity who retires from the Government because of disability and then has an annuity dependent upon such disability, if he recovers from the disability loses that annuity and forfeits his rights in the annuity he would have had upon attaining retirement age. This bill is designed to reestablish his right to future annuity and thus correct that situation.

Mr. BALL. Mr. President, will the Senator yield?

Mr. DOWNEY. I yield.

Mr. BALL. If an employee had a disability annuity for 2 or 3 years and then recovered, by reason of this proposed act would the disability annuity which he received be deducted from his total rights to a retirement annuity?

Mr. DOWNEY. Let me say to the Senator that during that period of his disability his rights by way of his contributions and the passage of years are in abeyance; his annuity ceases to increase in amount, and he would go back only to the amount of the annuity he would have had if he had not been working during those years when he was retired by reason of disability.

Mr. BALL. Would his disability annuity be approximately the same as the retirement annuity?

Mr. DOWNEY. Yes; dependent upon the age factor it would be about the same. Of course, most disability annuities are much smaller, because generally the worker has not had credited to his fund what he would have if he had served longer.

Mr. WHERRY. Mr. President, how many employees would this bill affect?

Mr. DOWNEY. I think the number is comparatively small. On page 3 of the report appears this heading over the table:

Disability annuitants dropped because of disability ceased and reemployment.

The total for a 6-year period was only 769.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 4651) was considered, ordered to a third reading, read the third time, and passed.

#### ABOLITION OF SANTA ROSA ISLAND NATIONAL MONUMENT

The bill (H. R. 4486) to abolish the Santa Rosa Island National Monument and to provide for the conveyance to Escambia County, State of Florida, of the portion of Santa Rosa Island which is under the jurisdiction of the Department of the Interior, was considered ordered to a third reading, read the third time, and passed.

#### EXCHANGE OF LAND IN EAGLE COUNTY, COLO.

The bill (H. R. 5840) to authorize an exchange of land in Eagle County, Colo., was considered, ordered to a third reading, read the third time, and passed.

#### SILVER CREEK RECREATIONAL DEMONSTRATION PROJECT, OREGON

The bill (H. R. 2423) to authorize the exchange of lands acquired by the United States for the Silver Creek recreational demonstration project, Oregon, for the purpose of consolidating holdings therein, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### TITLE TO CERTAIN LANDS IN KERN COUNTY, CALIF.

The bill (S. 1602) to confirm title to certain railroad-grant lands located in the County of Kern, State of California, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That all right, title, and interest of the United States in and to the land hereinafter described, which was patented by the United States to the Southern Pacific Railroad Co. on December 1, 1891, recorded at Kern County, Calif., January 15, 1892, and is now held and occupied by the Summit Lime Co., a California corporation, as successor in interest of the said railroad company through successive conveyances, and as grantee in a quitclaim deed from the said company, executed December 21, 1937, is hereby released, relinquished, and confirmed to the said Summit Lime Co., the said land, situate, lying, and being in the east half of section 21, township 32 south, range 33 east, Mount Diablo base line and meridian, county of Kern, State of California, described as follows:

Commencing at a point in the west line of the east half of said section 21, distant 50 feet northerly measured at right angles from the center line of the Southern Pacific Railroad Co.'s eastward main tract; thence south 80 degrees 23 minutes east parallel with said center line a distance of 136 $\frac{1}{10}$  feet to the point of beginning of the parcel of land to be described; thence continuing south 80 degrees 23 minutes east parallel with said center line a distance of 260 feet; thence north 9 degrees 37 minutes east 50 feet to a point



in the northerly line of the right-of-way of said railroad company; thence north 80 degrees 23 minutes west along said northerly line of right-of-way a distance of 260 feet; thence south 9 degrees 37 minutes west a distance of 50 feet to point of beginning, containing an area of two hundred and ninety-eight one-thousands of an acre, more or less: *Provided*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same under such rules and regulations as the Secretary of the Interior may prescribe.

#### NATIONAL PARK SERVICE

The Senate proceeded to consider the bill (S. 1839) to provide basic authority for the performance of certain functions and activities of the National Park Service, which had been reported from the Committee on Public Lands and Surveys with amendments.

The first amendment was on page 3, at the beginning of line 6, to insert "pursuant to cooperative agreement."

The amendment was agreed to.

Mr. WHERRY. Mr. President, before we proceed to another amendment, I notice the Senator from New Mexico [Mr. HATCH] who introduced the bill and reported it is not present. Can some other Senator give us an explanation of what the authority is that is asked for?

Mr. REVERCOMB. I ask the bill go over.

Mr. HAYDEN. Mr. President, there are certain post roads leading into the national parks. The Secretary of the Interior addressed a letter to the Senator from New Mexico [Mr. HATCH], the chairman of the committee, saying that the authority to expend national park funds outside the national parks would have to be extended in these cases. The Senator will find by looking at the bill that it starts out with this language:

That appropriations for the National Park Service are authorized for—

(a) necessary protection of the area of federally owned land in the custody of the National Park Service known as the Ocean Strip and Queets Corridor, adjacent to Olympic National Park, Wash.; necessary repairs to the roads from Glacier Park Station through the Blackfoot Indian Reservation.

The bill relates to certain specific projects leading into the national parks which enable the public to enter and leave the parks. That is all there is to the bill.

Mr. WHERRY. I understand, but how much roadway does it affect? What is the difference between this authority and that already granted? What is the change?

Mr. HAYDEN. The National Park Service has no authority now to expend money outside of the park boundaries. This affects approach roads to the parks.

Mr. REVERCOMB. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. REVERCOMB. I call the Senator's attention to subsection (i) on page 4 of the bill, which contains blanket authority. The provision is that appropriations for the National Park Service are authorized for "acquisition of lands or interests therein within any of the national parks, monuments, or other permanently established areas administered by the National Park Service."

Mr. HAYDEN. That establishes authority of law for a budget estimate to be submitted. Take, for instance, the Grand Canyon National Park in Arizona. At the time the park was created there were certain patented lands on which people had homesteads. One person I know had 160 acres of land, which were entirely surrounded by the national park. It is desirable, if possible, to have all the land inside a national park owned by the Park Service, because a private owner may conduct some kind of a nuisance, or other objectionable activity. If the Secretary of the Interior could make an arrangement to buy such a piece of land inside a park, and a budget estimate were submitted to Congress, it would not be subject to a point of order if the amount of money necessary to pay for the purchase were included in an appropriation bill.

Mr. REVERCOMB. As I see it, this is a blanket authority.

Mr. HAYDEN. The Senator understands that all the national parks have been created by act of Congress, prescribing certain areas of land which shall be parks. It is not possible to establish a park without some private land being inside it. In many instances the Government has no need for the land, and would not acquire it, but upon a showing that it is necessary, there is no authority of law for its purchase unless a special bill is introduced to cover each individual purchase. I think the Government is properly safeguarded, because there would have to be a recommendation by the Secretary to the Bureau of the Budget.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. WHERRY. Not long ago the Senator introduced a bill for the purchase of a well near one of the parks. Does the Senator recall that?

Mr. HAYDEN. That was on the public domain.

Mr. WHERRY. That is a good illustration. This would give the Park Service authority to buy the well, even though the special authority were refused. Am I correct?

Mr. HAYDEN. If this particular tract of land were already inside a national park, and privately owned, we would have to proceed as we do in other instances.

Mr. WHERRY. By specific legislation?

Mr. HAYDEN. Yes.

Mr. WHERRY. Why not do that?

Mr. HAYDEN. Because it would be a cumbersome procedure since none of the private tracts of land inside the parks are large.

Mr. WHERRY. We would not have brought to our attention the acquisition of land inside a park unless it came up in a special bill, or in an appropriation bill.

Mr. HAYDEN. There would be a budget estimate authorizing the purchase of land inside the park.

Mr. ROBERTSON. Mr. President, will the Senator from Arizona yield?

Mr. HAYDEN. I yield.

Mr. ROBERTSON. Does this include the Jackson Hole Monument?

Mr. HAYDEN. It provides for the performance of certain functions, and then it states specifically where the purchases may be made.

Mr. ROBERTSON. It mentions national monuments as well. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### COMPENSATION OF CERTAIN EMPLOYEES OF GOVERNMENT CONTRACTORS

The Senate proceeded to consider the bill (S. 1561), to amend the act entitled "Compensation for injury, death, or detention of employees of contractors with the United States outside the United States," as amended, for the purpose of making the 100 percent earning provisions effective as of January 1, 1942, which had been reported from the Committee on Education and Labor with an amendment, to strike out all after the enacting clause and to insert the following:

That the act entitled "An act to provide benefits for the injury, disability, death, or enemy detention of employees of contractors with the United States, and for other purposes," approved December 2, 1942 (42 U. S. C. 1701), is amended by adding to the final proviso in the last paragraph of section 101 (b) (1) thereof, as added by title I of the act approved December 23, 1943 (57 Stat. 626), upon changing the final period to a semicolon, the following: "and in such cases benefits for detention shall accrue from January 1, 1942, unless the beginning of absence occurred upon a later date in which event benefits shall accrue from such later date, and for the period of such absence shall be 100 percent of the average weekly wages, determined as herein provided: *And provided further*, That compensation for disability under this title (except under allowance for scheduled losses of members or functions of the body, within the purview of section 102 (a)) shall not be paid in any case in respect to any period of time during which benefits for detention may accrue under this title in the same case, and should a person entitled to benefits for detention also be entitled to workmen's compensation or similar benefits under any other law, agreement, or plan (except allowances for scheduled losses of members or functions of the body), where such other benefits are paid or to be paid, directly or indirectly by the United States, the amount thereof accruing as to the period of absence shall be taken into account and the benefits credited to the account of the detained person reduced accordingly: *And provided further*, That where through mistake of fact, absence of proof of death, or error through lack of adequate information or otherwise, payments as for detention have in any case been erroneously made or credited, any resulting overpayment of detention benefits (the recovery of which is not waived as otherwise provided for in this section) shall be recouped by the Commission in such manner as it shall determine from any unpaid accruals to the account of the detained person, and if such accruals are insufficient for such purpose, then from any allowance of compensation for injury or death in the same case (whether under this title or under any other law, agreement, or plan, if the United States pays, or is obligated to pay, such benefits, directly or indirectly), but only to the extent of the amount of such compensation benefits payable for the particular period of such overpayment, and in cases of erroneous payments of compensation for injury or death, made through mistake of fact, whether under this title or under any other law, agreement, or plan (if the United States is obligated to pay such compensation,







[PUBLIC LAW 555—79TH CONGRESS]

[CHAPTER 682—2D SESSION]

[H. R. 3492]

AN ACT

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 17 of the Civil Service Retirement Act, approved May 29, 1930, as amended, is further amended by changing the final period to a semicolon and adding thereto the following: "nor shall there be any withholding or recovery of any moneys mentioned in this Act on account of any certification or payment made by any former officer or employee of the United States in the discharge of his official duties unless the head of the department or agency on behalf of which the certification or payment was made certifies to the Civil Service Commission that such certification or payment involved fraud on the part of such officer or employee".

Approved July 27, 1946.







